

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

J.W., a minor, by and through, Amanda Williams, Guardian and Next Friend, Case No. 3:21-cv-00663-CWR-LGI

Plaintiff,

Hon. Carlton W. Reeves
Mag. LaKeysha Greer Isaac

v.

The City of Jackson, Mississippi, *et al.*,

Defendants.

**UNOPPOSED MOTION FOR EXTENSION OF TIME IN RESPONSE TO
THE MOTION FOR QUALIFIED IMMUNITY AND TO DISMISS
BY DEFENDANTS TONY YARBER AND KISHIA POWELL**

COMES NOW, the above-named Plaintiff, through counsel and pursuant to L. U. Civ. R. 7(b)(4), and respectfully moves for an unopposed extension of time to respond to the Motion for Qualified Immunity and to Dismiss by Defendants Tony Yarber (“Yarber”) and Kishia Powell (“Powell”) as follows:

1. Defendants Yarber and Powell are two of many City Defendants that Plaintiff is suing. Among the City Defendants are the City of Jackson; the current Mayor of Jackson, Chockwe A. Lumumba, Jr.; the former Mayor of Jackson, Tony Yarber; and three former Directors of Jackson’s Public Works Department—Kishia Powell, Robert Miller and Jerriot Smash.

2. On May 12, 2022, Defendants Yarber and Powell filed a Motion for Qualified Immunity and to Dismiss (Doc. 82) and a Memorandum of Law in Support of the Motion (Doc. 83) against Plaintiffs' Second Amended Complaint (Doc. 51). The other City Defendants filed similar motions that same day. (Docs.).

3. This case is in relation to another matter currently before this Court – *P.R., et al, v. City of Jackson, Mississippi, et al.*, Dkt No. 3:21-cv-00667. Defendants Yarber and Powell and the other City Defendants also filed motions in the *P.R.* matter on May 12, 2022.

4. Pursuant to L. U. Civ. R. 7(b)(4) “[a]t the time the motion is served.... [c]ounsel for respondent must, within fourteen days after service of movant’s motion and memorandum brief, file a response and memorandum brief in support of the response. ... A party must make any request for an extension of time in writing to the judge who will decide the motion.”

5. Response from Plaintiff is not yet due, but Plaintiff seeks to extend the briefing schedule for his response to these eight separate motions across these two cases. Plaintiff communicated with Counsel for Defendants Yarber and Powell and the other City Defendants regarding the deadline for response to their motions. Defendants’ Counsel does not oppose Plaintiff’s request for extension of time to respond.

6. As such, Plaintiff requests an additional extension up to and including August 16, 2022 in which to respond to the Motion for Judgment for Qualified Immunity and to Dismiss by Defendants Yarber and Powell.

7. The relief sought will not delay the administration of this matter in any way. Further, this request is being made for good cause and is not made for the purpose of delay, harassment, or any other purpose rooted in bad faith.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests this Court enter an order for the extension of deadlines for Plaintiff's Response to the Motion for Qualified Immunity and to Dismiss by Defendants Yarber and Powell. Plaintiff shall be allowed an extension up to and including August 16, 2022, for his response to Defendants' Motion.

Dated: May 20, 2022.

Respectfully submitted,

LEVY KONIGSBERG, LLP

/s/ Kimberly L. Russell

Kimberly L. Russell, *PHV* 49630

Corey M. Stern, *PHV* 49568

Amber R. Long, *PHV* 49271

John P. Guinan, *PHV* 49681

605 Third Avenue, 33rd Floor

New York, New York 10158

(212) 605-6298

klrussell@levylaw.com

cstern@levylaw.com

along@levylaw.com

jguinan@levylaw.com

-and-

CHHABRA & GIBBS, P.A.

/s/ Rogen K. Chhabra

Rogen K. Chhabra

Darryl M. Gibbs

120 N. Congress St., Suite 200

Jackson, MS 39201

(601) 948-8005

rchhabra@cglawms.com

dgibbs@cghlawms.com

Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2022, the foregoing document was filed via the U.S. District Court's CM/ECF electronic system and a copy thereof was served upon all counsel of record.

/s/ Kimberly L. Russell
Kimberly L. Russell